



1655 \$

Docket No. 13761-739

RECEIVED
FEB 01 2002
TECH CENTER 1600/2900

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

[X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231.

[] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner _____ at Facsimile No. _____ at _____ a.m./p.m.

Dated: January 7, 2002

Name of Person Certifying: Barrett

Printed Name: Laer Barrett

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lenz, Heinz-Josef

Assignee: University of Southern California

Filing Date: 11/15/2000

Examiner: Unassigned

Serial No.: 09/715,764

Group Art Unit: 1655

Title: **GENOMIC POLYMORPHISM FOR PREDICTING THERAPEUTIC RESPONSE**

Assistant Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☐ Within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.
- ☐ Before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114.
- ☐ Before the mailing of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement:
 - ☐ the Commissioner is hereby authorized to charge Deposit Account No. 50-1192, Docket No. _____ for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

☐ a statement as specified in 37 C.F.R. § 1.97(e) is provided below.

This Information Disclosure Statement is filed:

☒ After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing, or after the mailing of a first Office Action after the filing of a request for continued examination, but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and

☒ the Commissioner is hereby authorized to charge Deposit Account No. 50-1192, Docket No. 739 for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.

☐ a statement as specified in 37 C.F.R. § 1.97(e) is provided below.

This Information Disclosure Statement is filed:

☐ After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, but on or before the payment of an issue fee, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.

Pursuant to 37 C.F.R. § 1.97(e), the undersigned certifies that:

☐ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

☒ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.

☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: _____.

☐ Copies of those items which are marked with an asterisk (*) in the attached Form PTO-1499 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. _____, filed _____ and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

- ☒ Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Conclusion:

Citation of the above documents shall not be construed as:


1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1192, Docket No. 13761-739 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: January 7, 2002

Respectfully submitted,

By: 
Rajiv Yadao, Ph.D., Esq.
Registration No. 43,999

McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center, 18th Floor
San Francisco, California 94111
Telephone: (415) 393-2000
Telefax: (415) 393-2286